UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,902	02/05/2004	Peter C. Huene	MSFT-2929/303466.01	5355

41505   7590   12/17/2007
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ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
12/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/772,902	HUENE ET AL.
	Examiner	**Art Unit**	
	Qamrun Nahar	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 October 2007_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-27_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 10/05/2007.

2.   The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 20, 24 and 27 is withdrawn in view of applicant's amendment.

3.   The rejection under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter to claims 1-12 and 25-27 is withdrawn in view of applicant's amendment.

4.   Claims 1-12, 20, 24, and 25-27 have been amended.

5.   Claims 1-27 are pending.

Response to Amendment

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-2, 7-14, 17-22 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Leary (U.S. 5,950,000).

Per Claim 1:

The O'Leary patent discloses:

- **a processor** ("... a central processing unit (CPU) 106 ..." in column 3, lines 34-36) **with a dynamic property descriptor associated with a custom build rule object, the dynamic property descriptor storing information associated with a property of the custom build rule object, the property of the custom build rule object associated with at least one value** ("... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ... the name of the selected file ..." in column 6, lines 3-25; the name of the selected file is analogous to a property of the custom build rule object)

- **and a generic property store for storing the at least one value for the property of the custom build rule object** ("... the name of the selected file is broadcast in a message ... update their picklists ..." in column 6, lines 18-23)

- **the tool generating an executable command line** ("... after the GUI builder 214 generates a makefile. The Build entry on the menu bar of GUI 300 is pulled down to disclose the target of make "app in /home/pat/src/Makefile" as the top reference on the build target picklist ..." in column 6, lines 46-65).

Per Claim 2:

The O'Leary patent discloses:

- **further comprising a content handler, the content handler receiving a tool file, the tool file comprising at least one custom build rule and generating from the at least one custom build rule the custom build rule object** ("... IPE manager ..." in column 6, lines 3-25 and 38-65).

Per Claim 7:

The O'Leary patent discloses:

- **further comprising a dialog for adding or modifying the tool file** (column 6, lines 10-13).

Per Claim 8:

The O'Leary patent discloses:

- **further comprising a dialog for adding or modifying the custom build rule** (column 6, lines 57-59).

Per Claim 9:

The O'Leary patent discloses:

- **further comprising a dialog for adding or modifying the property of the custom build rule object** (column 6, lines 57-59).

Per Claim 10:

The O'Leary patent discloses:

- further comprising a dialog for adding or modifying the at least one value associated with the property of the custom build rule object (column 6, lines 10-19).

Per Claim 11:

The O'Leary patent discloses:

- wherein the at least one value comprises a parameter value for the property of the custom build rule object ("... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ..." in column 6, lines 3-25).

Per Claim 12:

The O'Leary patent discloses:

- wherein the custom build rule object transforms a generalized command line by programmatically replacing a tag with a property value to generate the executable command line (column 6, lines 46-65).

Per Claim 13:

The O'Leary patent discloses:

- associating a dynamic property with a build rule object associated with the build tool, the dynamic property associated with a switch property; associating a value with the switch property ("... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ... the name of the selected file ..." in column 6, lines 3-25; the name of the selected file is analogous to a switch property)

- and transforming a generalized command line into an executable command line by programmatically replacing a tag in the generalized command line with the value ("... after the GUI builder 214 generates a makefile. The Build entry on the menu bar of GUI 300 is pulled down to disclose the target of make "app in /home/pat/src/Makefile" as the top reference on the build target picklist ..." in column 6, lines 46-65).

Per Claim 14:

The O'Leary patent discloses:

- further comprising receiving a tool file describing the build tool, the tool file including the generalized command line and a build rule for transforming the generalized command line into the executable command line for executing the build tool (column 6, lines 3-25).

Per Claim 17:

The O'Leary patent discloses:

- further comprising generating the build rule object from the build rule (column 6, lines

38-45).

Per Claim 18:

The O'Leary patent discloses:

- wherein the build rule object generated from the build rule creates a dynamic property

descriptor (column 6, lines 3-25).

Per Claim 19:

The O'Leary patent discloses:

- wherein the value is stored in a generic property store (column 6, lines 18-23).

Per Claim 20:

The O'Leary patent discloses:

- wherein the value is associated with a particular use of a build rule in a project (column 6,

lines 3-25).

Per Claim 21:

The O'Leary patent discloses:

- **wherein the value is associated with the switch property via a user interface** (column 6,

lines 3-25).

Per Claim 22:

The O'Leary patent discloses:

- **wherein the value is associated with the switch property via a scripting language** (column

6, lines 3-25).

Per Claim 24:

The O'Leary patent discloses:

- **receiving a file describing the build tool, the file including a build rule, the build rule**

comprising a generalized command line and a rule for transforming the generalized

command line into an executable command line for executing the tool (" ... When a file is

selected, the IPE manager invokes Visual and specifies the selected file as a command line

parameter. ..." in column 6, lines 3-25; "... load the file ... the "Generate Makefile" feature

shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked to create a makefile for the

application ... after the GUI builder 214 generates a makefile. The Build entry on the menu bar

of GUI 300 is pulled down to disclose the target of make "app in /home/pat/src/Makefile" as the

top reference on the build target picklist ..." in column 6, lines 38-65)

- generating a build rule object from the build rule ("... load the file ... the "Generate

Makefile" feature shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked to create a

makefile for the application ..." in column 6, lines 38-45)

- associating a dynamic property with the build rule object, the dynamic property

associated with a switch property; associating a value with the switch property ("... When a

file is selected, the IPE manager invokes Visual and specifies the selected file as a command line

parameter. ... the name of the selected file ..." in column 6, lines 3-25; the name of the selected

file is analogous to a switch property)

- and transforming the generalized command line into the executable command line by

programmatically replacing a tag in the generalized command line with the value of the

switch property ("... after the GUI builder 214 generates a makefile. The Build entry on the

menu bar of GUI 300 is pulled down to disclose the target of make "app in

/home/pat/src/Makefile" as the top reference on the build target picklist ..." in column 6, lines

46-65).

Per Claim 25:

The O'Leary patent discloses:

- receiving a file describing a build tool, the file including a build rule, the build rule

comprising a generalized command line and a rule for transforming the generalized

command line into an executable command line for executing the tool ("... When a file is

selected, the IPE manager invokes Visual and specifies the selected file as a command line

parameter. ... the name of the selected file ..." in column 6, lines 3-25; "... load the file ... the

"Generate Makefile" feature shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked

to create a makefile for the application ... after the GUI builder 214 generates a makefile. The

Build entry on the menu bar of GUI 300 is pulled down to disclose the target of make "app in

/home/pat/src/Makefile" as the top reference on the build target picklist ..." in column 6, lines

38-65).

Per Claim 26:

The O'Leary patent discloses:

- generating a build rule object from the build rule ("... load the file ... the "Generate

Makefile" feature shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked to create a

makefile for the application ..." in column 6, lines 38-45).

Per Claim 27:

The O'Leary patent discloses:

- associating a dynamic property with the build rule object, the dynamic property

associated with a switch property; associating a value with the switch property; and

transforming the generalized command line into the executable command line by

programmatically replacing a tag in the generalized command line with the value of the

switch property ("... When a file is selected, the IPE manager invokes Visual and specifies the

selected file as a command line parameter. ..." in column 6, lines 3-25; and "... after the GUI

builder 214 generates a makefile. The Build entry on the menu bar of GUI 300 is pulled down to

disclose the target of make "app in /home/pat/src/Makefile" as the top reference on the build

target picklist ..." in column 6, lines 46-65).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 3-6, 15-16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Leary (U.S. 5,950,000) in view of Odaka (U.S. 2003/0140333).

Per Claim 3:

The rejection of claim 2 is incorporated, and further, O'Leary does not explicitly teach

wherein the tool file is associated with a schema. Odaka teaches wherein the tool file is

associated with a schema (pg. 2, par. 25, lines 7-13).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by O'Leary to include wherein the tool file is associated with a schema using the teaching of Odaka. The modification would be obvious because one of ordinary skill in the art would be motivated to create customized tags that offer great flexibility in organizing and presenting information (Odaka, pg. 1, par. 13, lines 1-5).

Per Claim 4:

The rejection of claim 2 is incorporated, and further, O'Leary does not explicitly teach wherein the tool file comprises an XML file. Odaka teaches wherein the tool file comprises an XML file (pg. 2, par. 25, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by O'Leary to include wherein the tool file comprises an XML file using the teaching of Odaka. The modification would be obvious because one of ordinary skill in the art would be motivated to create customized tags that offer great flexibility in organizing and presenting information (Odaka, pg. 1, par. 13, lines 1-5).

Per Claim 5:

The rejection of claim 4 is incorporated, and Odaka further teaches wherein the XML file is associated with an XML schema (pg. 2, par. 25, lines 1-13).

Per Claim 6:

The rejection of claim 5 is incorporated, and Odaka further teaches wherein the XML file

is validated against the XML schema (pg. 2, par. 25, lines 1-13).

Per Claims 15 & 16:

These are method versions of the claimed system discussed above (claims 4-6), wherein

all claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, these claims are also obvious.

Per Claim 23:

The rejection of claim 15 is incorporated, and O'Leary further teaches wherein the file is

received by a content handler, the content handler generating from the file at least one custom

build rule object ("... IPE manager ..." in column 6, lines 3-25 and 38-65). O'Leary does not

explicitly teach that the file is an XML file. Odaka teaches that the file is an XML file (pg. 2,

par. 25, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of

the invention was made to modify the method disclosed by O'Leary to include that the file is an

XML file using the teaching of Odaka. The modification would be obvious because one of

ordinary skill in the art would be motivated to create customized tags that offer great flexibility

in organizing and presenting information (Odaka, pg. 1, par. 13, lines 1-5).

Response to Arguments

10.   Applicant's arguments filed on 10/05/2007 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

a)   O'Leary fails to teach a "dynamic property descriptor storing information associated with a property of the custom build rule object" as recited in claims 1 and 25.

Examiner's response:

a)   Examiner strongly disagrees with applicant's assertion that O'Leary fails to disclose the claimed limitations recited in claims 1 and 25. O'Leary clearly shows each and every limitation in claims 1 and 25.

       O'Leary teaches a dynamic property descriptor storing information associated with a property of the custom build rule object ("... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ... the name of the selected file ..." in column 6, lines 3-25; the name of the selected file is analogous to a property of the custom build rule object) as recited in claim 1.

       Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies for *claim 25* (i.e., "dynamic property descriptor storing information associated with a property of the custom build rule object") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, see the rejection above in paragraph 7 for rejection to claims 1 and 25.

In the remarks, the applicant argues that:

b)   O'Leary fails to teach "associating a dynamic property with a build rule object associated with the build tool, the dynamic property associated with a switch property" as recited in claims 13 and 24.

Examiner's response:

b)   Examiner strongly disagrees with applicant's assertion that O'Leary fails to disclose the claimed limitations recited in claims 13 and 24. O'Leary clearly shows each and every limitation in claims 13 and 24.

O'Leary teaches associating a dynamic property with a build rule object associated with the build tool, the dynamic property associated with a switch property ("... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ... the name of the selected file ..." in column 6, lines 3-25; the name of the selected file is analogous to a switch property) as recited in claim 13 and substantially recited in claim 24.

In addition, see the rejection above in paragraph 7 for rejection to claims 13 and 24.

In the remarks, the applicant argues that:

c)   Regarding claims 2, 7-12, 14, 17-22, and 26-27, these claims each depend from one of independent claims 1, 13, 24, or 25. In view of the above, it is clear that O'Leary fails to establish anticipation of these claims. The dependant claims are, therefore, allowable for at least the

reasons shown for claims 1, 13, 24, and 25. Accordingly, reconsideration and allowance are

respectfully requested.

Examiner's response:

c)   Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references.

Furthermore, the Examiner has already addressed applicant's arguments regarding claims

1, 13, 24, and 25 in the Examiner's Responses (a) thru (b). See the Examiner's Responses (a)

thru (b).

In addition, see the rejection above in paragraph 7 for rejection to claims 2, 7-12, 14, 17-

22, and 26-27.

In the remarks, the applicant argues that:

d)   Claims 3-6, 15-16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Leary (US 5,950,000) in view of Odaka (US 2003/0140333). The O'Leary reference relates to

a GUI interface for programmers to use in building static makefiles for integrating software

tools. The Odaka published application relates to a conditional compile environment for use in

web servers and web browsers.

The Odaka reference does not remedy the shortcomings of the O'Leary reference as

discussed above and, thus, the combination of O'Leary and Odaka fails to provide the teachings

needed to establish that claims 3-6, 15-16 and 23 are obvious. These claims are allowable for at

least the reasons given above. Accordingly, reconsideration and allowance are respectfully

requested.

Examiner's response:

d)   In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, see the rejection above in paragraph 9 for rejection to claims 3-6, 15-16 and

23.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

12.   Any inquiry concerning this communication from the examiner should be directed to

Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be

reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the

organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qamrun Nahar
December 11, 2007

MARY STEELMAN
PRIMARY EXAMINER